

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK O. FRANKLIN, SR.,
Plaintiff,
vs.
MTA ORTIZ, et al.,
Defendants.

1:05-CV-00525-OWW-LJO-P

ORDER TO SUBMIT NEW APPLICATION
TO PROCEED IN FORMA PAUPERIS AND
CERTIFIED COPY OF TRUST ACCOUNT
STATEMENT **OR** PAY FILING FEE

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 and a copy of his prison trust account statement. However, the second page of the application was not entirely completed; the prison official did not supply the amounts of the "average monthly balance" and "average monthly deposits" for the last six months in plaintiff's account. Additionally, the copy of plaintiff's prison trust account statement was not certified. See 28 U.S.C. § 1915(a)(2). Plaintiff will be provided the opportunity to submit a new application to proceed in forma pauperis and a certified copy of his trust account statement **or** pay the \$250.00 filing fee.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk's Office shall send to plaintiff the form for application to proceed in forma pauperis.
2. Within thirty days of the date of service of this order, plaintiff shall submit a

1 completed application to proceed in forma pauperis and a certified copy of his prison trust account
2 statement for the six month period immediately preceding the filing of the complaint, or in the
3 alternative, pay the \$250.00 filing fee for this action. Failure to comply with this order will result in a
4 recommendation that this action be dismissed.

5 IT IS SO ORDERED.

6 **Dated: May 3, 2005**
b6edp0

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE